

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 22 SEPTEMBER 2009

Present: The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)
Councillors S Holland & E Malicki (Comenarra Ward)
Councillors E Keays & C Szatow (Gordon Ward)
Councillors J Anderson & R Duncombe (Roseville Ward)
Councillors T Hall & C Hardwick (St Ives Ward)
Councillor D McDonald (Wahroonga Ward)

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Acting Director Development & Regulation (Corrie Swanepoel)
Director Operations (Greg Piconi)
Director Strategy & Environment (Andrew Watson)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

APOLOGIES

File: S02194

NOTE: The Director Development & Regulations, Michael Miotic, tendered an apology for non-attendance.

DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

Councillor Jennifer Anderson declared a less than significant non-pecuniary interest to Item NM.1 - Commence Negotiations to Acquire 12 Woonona Avenue, Wahroonga (had met with owners of 12 & 14 Woonona Avenue, Wahroonga not known prior to being elected as a Councillor).

181 **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

Resolved:

(Moved: Councillors Hall/Szatow)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

Refer GB.8 - Annual Tender for Supply, Supply & Delivery & Supply, Deliver & Laying of Asphaltic Concrete - Attachment B: Evaluation Spreadsheet

CARRIED UNANIMOUSLY

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: **Refer MM.1 - Dr Brendan Nelson**

Councillors Information: **Planning Committee - General Committee, 28 July 2009, Minute No GC78** - Memorandum by Director Strategy & Environment dated 17 September 2009 in answer to a Question Without Notice raised by Councillor Tony Hall at the General Committee meeting held 28 July 2009

Memorandum: **Echo Marina Restaurant Decking - Minute No GC99** - Memorandum by Director Development & Regulation dated 16 September 2009 in answer to a Question Without Notice raised by Councillor Elise Keys at the General Committee meeting held 25 August 2009.

Refer GB.6 - 1 Elegans Avenue, St Ives - Section 82A Review of Council's Refusal of DA1326/08 Proposing Dual Occupancy Development - Memorandum by Acting Director Development & Regulation dated 22 September 2009 regarding a correction to the wording of Point 1 of the Officer's Recommendation on Business Paper Page No 186 (Report Page 27).

CONFIRMATION OF MINUTES182 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 8 September 2009
Minutes numbered 165 to 180

Resolved:

(Moved: Councillors Hall/Duncombe)

That Minutes numbered 165 to 180 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR183 **Dr Brendan Nelson**

File: S04813

As Councillors would be aware, our long-serving Federal Member for Bradfield, Dr Brendan Nelson, has resigned from Parliament to take up a major diplomatic posting as Ambassador to the European Communities, Belgium and Luxembourg and Australia's representative at the North Atlantic Treaty Organisation and World Health Organisation.

I seek your support in this Mayoral Minute for Council to formally thank and congratulate Dr Nelson for the enormous contribution he has made to our community as the Member for Bradfield – and also to wish him well in his new roles.

He has been a very hard-working and energetic Member of Parliament, giving Council great support on many major issues including our continuing efforts to protect Ku-ring-gai from over-development.

Dr Nelson was instrumental in obtaining Federal funding towards the acquisition of the last remaining piece of privately-owned land in the Dalrymple Hay/Browns Forest Blue Gum High Forest nature reserve in St Ives.

He also played a vital role in helping to establish the Ku-ring-gai Youth Development Service at Lindfield Library, a ground-breaking initiative that is doing great work in turning around the lives of troubled youth in our area.

Dr Nelson has managed to devote considerable time and effort to his local community despite performing extremely demanding duties as a senior Minister in the former Howard Government and more recently as Opposition Leader.

This experience at the highest levels of government, and his work as a General Practitioner and president of the Australian Medical Association before he entered Parliament, will obviously be of great value in his new role as an ambassador and also as Australia's representative to NATO and the World Health Organisation.

Councillor Hardwick arrived during debate

Resolved:

That, on behalf of Council, the Mayor write to Dr Nelson thanking him for his contributions to the Ku-ring-gai community, and wishing him and his family well.

CARRIED UNANIMOUSLY

PETITIONS

184

Support Preservation of Surgeon White Reserve, St Ives & Oppose Redeployment of Site into an Active Sportsground - (Nine Hundred & Thirty-Four [934] Signatures)

File: S06666

The undermentioned Petition was presented by Councillor Tony Hall:

'We, the undersigned, support the preservation of Surgeon White Reserve, St Ives and strongly oppose the redeployment of the site into an active sportsground. We call for the Council to delete this option from the planning agenda.'

Resolved:

(Moved: Councillors Hall/Hardwick)

That the Petition be received and referred to the appropriate officer of Council for attention and reply to Mr R Apter of 34 Paul Avenue, St Ives.

CARRIED UNANIMOUSLY

GENERAL BUSINESS**185 1 Elegans Avenue, St Ives - Section 82A Review of Council's Refusal of DA1326/08 Proposing Dual Occupancy Development**

File: REV0015/09

Ward: St Ives

Applicants: Mr Kenneth Scannell & Mrs Shirley Ann Scannell

Owners: Mr K & Mrs S A Scannell

To review the refusal of Development Application No.1326/08, which sought consent for a dual occupancy development comprising of the demolition of existing swimming pool and associated structures and construction of a new detached three (3) storey dwelling.

Resolved:

(Moved: Councillors Hall/Hardwick)

- A. That consideration of DA1326/08 at 1 Elegans Avenue, St Ives be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Keays, Szatow, Anderson, Duncombe,
Hall, Hardwick & McDonald*

Against the Resolution: Councillor Malicki

186 Delegation of Authority - Mayor & Deputy Mayor - 2009/2010

File: CY00259

For Council to give consideration to granting Delegations of Authority to Mayor and Deputy Mayor.

Resolved:

(Moved: Councillors Keays/Hall)

- A. That the Delegations of Authority as set out in Attachment A be granted to the Mayor, Councillor Ian Cross and to the Deputy Mayor, Councillor Jennifer Anderson as set out in Attachment B.

- B. That a copy of both the Delegations of Authority be attached to the Council Minutes.

CARRIED UNANIMOUSLY

187 **Investment Report as at 31 August 2009**

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File: S05273

To present to Council investment allocations and returns on investments for August 2009.

Resolved:

(Moved: Councillors Keays/Duncombe)

- A. That the summary of investments and performance for August 2009 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted

CARRIED UNANIMOUSLY

188 **Annual Tender for Supply, Supply & Delivery & Supply, Delivery & Laying of Asphaltic Concrete**

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File: S05465

To seek Council's approval to accept the NSROC tender for the schedule of rates for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete, including the associated road profiling and heavy patching works as well as thin wearing and intermediate surfacing and bituminous crack sealing of road pavement for the period 2009/10.

Resolved:

(Moved: Councillors Keays/Hall)

- A. That the tender rates submitted by Downer EDi Works for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete and associated road profiling works for 2009/10 be accepted as the primary option. Allow other contractors to be considered for works where lower rates are applicable and subject to availability.
- B. That the tender rates submitted by A J Paving and Downer EDi Works for Heavy Patching for 2009/10 be accepted as the primary options, dependant on area of

works required. Allow other contractors to be considered for works where lower rates are applicable.

- C. That the tender rates submitted by SRS Roads for the thin wearing or intermediate surfacing and bituminous crack sealing of road pavement be accepted for 2009/10.
- D. That the tenderers be advised of Council's decision.

CARRIED UNANIMOUSLY

Standing Orders were suspended to deal with items where there are speakers first which was moved by Councillors Hall & McDonald & was CARRIED UNANIMOUSLY.

189

9 Bruce Avenue, Killara - Modification of DA0983/05 Proposing Landscaping Changes, Internal Layout Modification, Changes to Roof Design & Hours of Construction

File: MOD0054/09

Ward: Gordon

Applicant: Drew Dickson Architects P/L

Owner: Bruce Avenue Pty Ltd

The following member of the public addressed Council:

J McFadden

To determine development application No.MOD0054/09, which seeks consent for proposed landscaping changes, internal layout modification, changes to roof design and hours of construction.

Resolved:

(Moved: Councillors Keays/Szatow)

PURSUANT TO SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

That Council, as the consent authority, approve MOD0054/09 to modify development consent to DA0983/05 for demolition and construction of a residential flat building comprising 59 units, basement car parking, landscaping, pool and strata subdivision at 9-23 Bruce Avenue, Killara, subject to the following conditions:

1. Modify Condition 1 as follows:
 1. The development must be carried out in accordance with plans numbered 703 D/B18B and D/B 20B, dated 15 August 2005 and 703 D/A02D, D/B01C-

17C, D/B19C, D/B 21-22C, D/C01C - D/C08C, D/D01C, D/D02C dated 2 December and 13 December 2005, drawn by Drew Dickson Architects and lodged with Council 5 December & 13 December 2005, **except as further modified by plans numbered W/A-04H, W/A-05G, W/A-06H, W/A-07F, W/A-08H, W/B-07/3, W/B-15/4, W/B-16/4, W/B-17/2, W/C-02/2, W/C-03/3, W/C-04/2, W/C-08/2, W/C-09/2, W/C-10/2, all drawn by Drew Dickson Architects and received by Council on 27th February 2009. W/A-02N prepared by Drew Dickson Architects and received by Council on 23rd June 2009** and endorsed with Council's approval stamp, except where amended by the following conditions:

2. Deletion of conditions 6, 7, 9, 10, 12 and 14 as they relate to the swimming pool structures which are being deleted as part of this modification.
3. Addition of condition 1b as follows:

1(b) Privacy measures

- The living room windows in the eastern elevation of Building C associated with Unit 51 at the second level of the building are to be of obscure glazing as noted in red on plan W/C-10/2 prepared by Drew Dickson Architects and received by Council 27th February 2009.
- Privacy screens shall be provided which are vertically fixed at a 45 degree angle in a north-easterly direction to the eastern elevation of the balconies associated with Unit 51 at the Second level of Building C to a height of 1.7m above the finished floor level of the balcony and for the depth of the balcony as noted in red on plan W/C-10/2 prepared by Drew Dickson Architects and received by Council 27th February 2009.

Reason: To maintain a reasonable level of privacy to adjoining properties.

4. Addition of Condition 1c as follows:

1(c) Electrical substation

The electrical substation is to remain in the approved location shown on the approved site plan D/A-02 Amendment D prepared by Drew Dickson Architects and dated 13/12/2005.

Reason: To protect the streetscape.

5. Addition of Condition 1a which states:

1(a) Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with

Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
LCC301 Rev G Hardscape Plan	Site Image	17/06/2009
LCC401 Rev G Planting Plan		17/06/2009
LCC402 Rev F Softscape plan level 4		25/05/2009
LCC503 Rev F Landscape details 3		17/06/2009

Reason: To ensure that the development is in accordance with the determination.

6. Addition of condition 113 (a) as follows:

113(a). Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
LCC301 Rev G Hardscape Plan	Site Image	17/06/2009
LCC401 Rev G Planting Plan		17/06/2009
LCC402 Rev F Softscape plan level 4		25/05/2009
LCC503 Rev F Landscape details 3		17/06/2009

The above landscape plan(s) shall be amended in the following ways:

- The two *Elaeocarpus sinuatus* (Blueberry Ash) located adjacent to the eastern site boundary/adjacent to the Beds 2&3 of Unit 42 (Building C) is to be changed to two *Syncarpia glomulifera* (Turpentine).
- To increase the deep soil landscape area on site, the proposed retaining wall adjacent to the western side of the private courtyard for Unit 2, Building A is to be located immediately adjacent to the proposed paved terrace.
- The electrical substation is not approved to be relocated to the Bruce Avenue streetscape. The substation is to remain in the approved location, being the south-western corner of the property fronting Greengate Lane.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plan has been amended as required by this condition.

Note: An amended landscape plan, prepared by a landscape architect or qualified landscape

designer shall be submitted to the Certifying Authority.

Reason: To ensure that the development is in accordance with the determination.

7. Addition of condition 154 which states:

154. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.”

8. Amend condition 125 as follows:

125. Tree protection measures

To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#22 <i>Araucaria hetrophylla</i> (N.I. Pine) Bruce Ave nature strip (pedestrian access to be maintained at all times)	9.0m*

***Tree protection fencing may be placed along the existing kerb and gutter**

Tree/Location	Radius in Metres
#23 <i>Eucalyptus spp.</i> (Eucalypt) Bruce Ave nature strip	4.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary in neighbouring property	4.0m
#40 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to eastern site boundary in neighbouring property	3.0m
#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	4.0m
#43 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m

Tree/Location	Radius in Metres
#46 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
# 49 <i>Unidentified tree</i> Centrally located adjacent to southern boundary	2.0m
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	4.5m
#65 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	6.0m
#67 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to western site boundary	3.0m
#68 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	3.0m*

***Excavation permitted to allow for the detention tank**

Tree/Location	Radius in Metres
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple) Adjacent to northern site boundary	3.0m
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	4.0m
#71 <i>Cupressus spp.</i> (Cypress) Adjacent to northern site boundary	3.0m
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	3.5m

Reason: To protect existing trees on site.

9. Addition of condition 113a which states:

113a Pier and beam footings

Prior to the issue of the construction certificate, the Principal Certifying Authority shall be satisfied that the footings of the proposed eastern boundary flood wall will be isolated pier or pier and beam construction.

Note: Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.

Reason: To protection vegetation along the eastern side boundary.

CARRIED UNANIMOUSLY

190 **35 to 45 Water Street, Wahroonga - Part 3A Application for a Hospital Facility - Supplementary Report**

File: S07617

The following member of the public addressed Council:

S Vaughan

To refer the matter back to full Council for determination as to whether or not Council wishes to endorse the supplementary report(s) for inclusion in Council's submission to the NSW Department of Planning in respect of the Part 3A application for 35 Water Street, Wahroonga in accordance with Council's resolution of 28 July 2009.

Resolved:

(Moved: Councillor McDonald/Mayor, Councillor Cross)

That Council endorse the supplementary report prepared by Teresa James dated 3 September 2009 and the original 2008 report – Proposed Seniors Living Development at 35 Water Street, Wahroonga – Review of Flora Issues - (prepared for Ku-ring-gai Council, April 2008 - for inclusion in Council's submission to the NSW Department of Planning in respect of the Part 3A Application for 35 Water Street, Wahroonga)

CARRIED UNANIMOUSLY

*Standing Orders were suspended
to deal with GB.7 & to hear all speakers
after a Motion moved by Councillors Malicki & Anderson
was CARRIED UNANIMOUSLY*

191 **763 Pacific Highway, Level 1, Gordon - Change of Use to Brothel & Associated Fit-Out**

File: DA0423/09

Ward: Gordon

Applicant: Asia Aroma Pty Ltd

Owners: Mr Gaetano Zofrea & Mrs Sarafina Zofrea

The following members of the public addressed Council:

**J Bates
R Grzech
Fr Dalby
L Zhang
W Cardwell
M Chicherio
D Dahdah**

To determine development application No.0423/09 which seeks consent for the change of use of the premises to a brothel and associated fit-out works.

Resolved:

(Moved: Councillors Hall/Szatow)

That the Council, as the consent authority, refuse consent to DA 0423/09 for the change of use to a brothel and associated fit-out on land at 763 Pacific Highway (Level 1), Gordon, for the following reasons:

1. Non compliance with location requirements pursuant to clause 2.1 of DCP 42

The proposed brothel would be located adjacent to and within proximity of an array of sensitive land uses and businesses.

Particulars:

- i) A McDonald's restaurant, located at 765 Pacific Highway, is sited directly adjacent to the subject site, frequented by children, families and school students. The restaurant also uses a staff of youths aged 16 and up.
- ii) The Anglican Church is located at 754 Pacific Highway, Gordon which is 175.9 metres to the Church grounds, and 224.1 metres to the entry point.
- iii) The Church of St Francis – Liberal Catholic Church is located at 21 St Johns Avenue and is sited at a distance of 197.9 metres from the proposed brothel.
- iv) The closest educational establishment is a Music Academy located at 785A Pacific Highway, Gordon, located at distance of 69.9 metres from the proposed brothel.
- v) A bus stop is located along the eastern side of the Pacific Highway, sited at a distance of 39.7 metres from the proposed brothel.

2. Non compliance with standards pursuant to clause 2.2 of DCP 42

The proposed brothel would have an adverse effect on the amenity of the area and would have an adverse affect on surrounding and adjoining land uses and businesses in the locality.

Particulars:

- (i) The proposed brothel is sited adjacent to and within proximity of sensitive land uses and businesses, of which are frequented by children, families and school students, contrary to the requirements of clause 2.2 of DCP 42.
- (ii) The location of the proposed brothel would adversely impact on surrounding land uses and businesses in the area, given that some parents and community members may prevent their families from working and utilising such areas.
- (iii) The proposed development would be in proximity of numerous places of public worship which are places where community members including children and families gather. In this regard, the proposed brothel is inappropriately located and is likely to adversely impact on the church community.
- (iv) The proposed development would be located in proximity of a local bus stop. The bus stop is likely to be utilised by students, school children, families and adolescents, given its proximity to uses where students regularly gather and frequent.

- (v) The Pacific Highway is utilised by children, adolescents, school children and the community as a common thoroughfare between the train station and local shops, restaurants, medical centres, education establishments, library and other retail and commercial services.

3. Safety and security

The proposed development is non compliant with the Crime Prevention through Environmental Design principles (CPTED).

Particulars:

- (i) The proposed brothel is expected to provide a private environment. As a result there is no passive surveillance provided from the premises contrary to the requirements of CPTED.
- (ii) Inadequate information has been provided to assess the security and safety risks at the rear entry emergency egress door and car park as they provide concealment points for criminal and antisocial behaviour and as such pose a risk to all users of this area.

4. *Non compliance with car parking requirements pursuant to clause 2.6 of DCP 42*

The application would result in a parking shortfall of five spaces. This would lead to an unacceptable spill-over of parking onto local residential streets.

Particulars:

- (i) Council's DCP 42 requires car parking to be provided at the rate of one space per two employees plus one space per suite. The applicant's Plan of Management (POM) states that two receptionists (one per shift) will be employed, and four other employees. Four suites are shown on the drawings (although the POM in Section 2.2 states that there will be three). Therefore seven parking spaces are required.
- (ii) The proposal is for two spaces on site at the rear of the building, a shortfall of five spaces. The proposed hours of operation of the development are 10am to 11pm daily, which includes business hours. Therefore, the merit-based concession allowed under DCP 42 is not available.
- (iii) Parking surveys by Council indicate that the unrestricted parking in the vicinity is fully occupied between the hours of 8am and 2 to 3pm. This time effectively includes the first shift, which means that employee parking would spill over into nearby residential streets.

5. *Access for a person with a disability*

The application does not provide suitable disabled access or facilities.

Particulars:

- (i) Access to the site or facilities have not been provided for a person with a disability contrary to the requirements of DCP 31.

CARRIED UNANIMOUSLY

192 **Introduction of Library Overdue Fees**

File: S02130

To provide Councillors with a summary of the comments received following the 28 day exhibition period of the proposed fees and charges for overdue library materials.

Resolved:

(Moved: Councillors Anderson/Szatow)

- A. That Council approve the introduction of fees for overdue library items from December 2009, at 20 cents per day with an upper limit of \$12.00 per item.
- B. That a report come to Council, following a 12 month period of charging for overdue library materials, containing details about rates of return of items, the fees collected and the total number of overdue items.
- C. That the report which comes back to Council after 12 months also includes information on user satisfaction with the fine system, theft rates, book mutilation incidents and, the number of items actually found on the shelves without being discharged and the number of fines waived and the reasons.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Keys, Szatow, Duncombe, Hall,
Hardwick & McDonald*

Against the Resolution: Councillors Malicki & Anderson

*The above Resolution was carried as an AMENDMENT to the Original Motion.
The Original Motion was:*

(Moved: Councillors Hardwick/Holland)

- A. *That Council approve the introduction of fees for overdue library items from December 2009, at 20 cents per day with an upper limit of \$12.00 per item.*
- B. *That a report come to Council, following a 12 month period of charging for overdue library materials, containing details about rates of return of items, the fees collected and the total number of overdue items.*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN193 **Commence Negotiations to Acquire 12 Woonona Avenue, Wahroonga**

File: S07257

Notice of Rescission from Councillor Tony Hall, Carlyne Hardwick & Elaine Malicki dated 8 September 2009

"We, the undersigned, hereby rescind the resolution (Minute No OMC176 of 8 September 2009) to commence negotiations to acquire 12 Woonona Avenue, Wahroonga for open space in the terms discussed. Minute No OMC176 reads as follows:

- A. *That Council commence negotiations to acquire 12 Woonona Avenue, Wahroonga for open space in the terms discussed.*
- B. *That Section 94 funds be used for the purchase.*
- C. *That Council engage the services of an experienced independent agent to immediately commence acquisition negotiations within the determined price range and that costs for the agent be included in the Section 94 budget for the acquisition.*
- D. *That the General Manager continue investigations with the National Trust, and others, to establish a tax deductible fund for public donations to assist Council to benefit from appropriate philanthropic gestures.*
- E. *That if negotiations result in a purchase price, the Mayor and General Manager be delegated authority to execute all documentation associated with the purchase of 12 Woonona Avenue, Wahroonga."*

Motion:

(Moved: Councillors Hall/Hardwick)

That the above Notice of Rescission as printed be adopted.

The above Motion when put to the vote was LOST

For the Motion: Councillors Malicki, Hall & Hardwick

Against the Motion: The Mayor, Councillor I Cross, Councillors Holland, Keays, Szatow, Anderson, Duncombe & McDonald

194 **Indoor Sport Centre Potential Sites**

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File: S04066

Notice of Motion from Councillor J Anderson dated 14 September 2009

I move that:

- "1. The General Manager provides a list to Council of all Council-owned and Council managed sites which could physically accommodate, in size terms, an indoor sports centre.
2. That the list of suitable sites not be assessed beyond the size of total land area and does not disregard any site on the basis of current useage, which may be incorporated into any re-development."

Motion:

(Moved: Councillors Anderson/Szatow)

That the above Notice of Motion as printed be adopted.

The above Motion when put to the vote was LOST

For the Motion: Councillors Holland, Szatow & Anderson

Against the Motion: The Mayor, Councillor I Cross, Councillors Malicki, Keays, Duncombe, Hall, Hardwick & McDonald

195 **Book on Ku-ring-gai's Aboriginal History & Culture**

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File: S02581

Notice of Motion from Councillor Jennifer Anderson dated 14 September 2009

I move that:

- "1. The General Manager provide a report to Council on the potential for Council to commission the writing of a book on Ku-ring-gai's Aboriginal history and culture prior to European settlement and through to the present day.
2. The report include information on grants that may be available to assist in the funding of such a book."

Resolved:

(Moved: Councillors Anderson/Szatow)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE196 **Waste Disposal in Ku-ring-gai**

File: S02332

Question Without Notice from Councillor T Hall

Councillors have received a letter from a concerned 14 year old, Ruth Oslington, seeking an assurance that her Council is undertaking every measure to reduce landfill and educate its residents in recycling, composting, etc.

I ask the Director Operations if he would consider the contents of Ruth's letter of 18 September and let us have a considered reply, please?

Answer by the Director Operations

I will respond to that letter.

197 **Removal of Council-owned Trees - Acron Road, St Ives**

File: RT6

Question Without Notice from Councillor T Hall

I refer to recent representations by Steven Ng of 3 Acron Road, St Ives seeking removal of two alleged dangerous gum trees near Acron Park Public School. One tree has fungal disease but the other is also considered a danger to school children who walk beneath them.

Would the Director Operations give urgent priority to their removal please in the interests of the safety of local children?

Answer by the Director Operations

I will take that up with the Tree Officers involved and report back to Council.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The Acting Director Development & Regulation, Corrie Swanepoel, will advise the Councillors of a date and time that an Inspections Committee will take place at 1 Elegans Avenue, St Ives.

The Meeting closed at 9.27pm

The Minutes of the Ordinary Meeting of Council held on 22 September 2009 (Pages 1 - 19) were confirmed as a full and accurate record of proceedings on 13 October 2009.

General Manager

Mayor / Chairperson

DELEGATION OF AUTHORITY – MAYOR

That, in addition of the role referred to in Section 226 of the Local Government Act 1993 and by authority of Section 377 of the Local Government Act 1993 and subject to compliance with any other requirements of the Local Government Act or Regulations and expressed Policy of the Council or regulations of any public authority concerned other than the Council, the Mayor, Councillor Ian Cross be and is hereby authorised to exercise or perform on behalf of the Council, the following powers, authorities, duties and functions, and that such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine:

1. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Management Plan.

2. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Management Plan.

3. Temporary General Manager during General Manager's Leave

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint, after consultation with the General Manager, a temporary General Manager, during the absence of the General Manager on leave.

4. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

DELEGATION OF AUTHORITY – DEPUTY MAYOR

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.